

REGULAR MEETING
MARCH 12, 2012

The Regular Meeting of the Town Board of the Town of New Bremen, County of Lewis and the State of New York was held at the Town Municipal Office Building, 8420 State Rte. 812, New Bremen, New York on the 12th day of March 2012.

Town Officer's Present: Peter J. Keys, Supervisor
David L. Becker, Councilman
Matthew E. Bush, Councilman
Ralph L. Bush, Councilman
Susan J. Sauer, Councilwoman
Ralph H. Hall, Highway Superintendent
Elizabeth B. Jones, Clerk

Attended by: Approximately 22 people

Supervisor Keys called the meeting to order at 5:15 p.m. with the Pledge to the Flag led by Councilman Becker.

**RESOLUTION NO. 45 OF 2012
APPROVAL OF MINUTES**

On a motion of Councilman R. Bush, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved the minutes of the February 13, 2012 meeting are approved with a change to be made to the wording of the Beaver Falls Lighting District discussion from "both were in favor" to "both were agreeable". Request made by Councilman M. Bush.

DISCUSSION PERTAINING TO THE COUNTY "RAILS FOR TRAILS"

Laurie Halladay of The Railway Historical Society of Northern New York spoke of the RHSNNY position to bring tourism and to preserve the Lowville & Beaver River Railroad and their future plans of rail operations.

Robert Diehl, Lewis Co. Recreational Trail Coordinator explained that the Lowville to Croghan railroad will be left in tact and the Lowville to Carthage will be used as a trail system.

Eric Virkler stated the grant comes from the Environmental Protection Fund (EPF) and is to be used for environmental recreational purposes. These grants are very competitive and if Lewis County doesn't use the money it will go to another community that will. The county's intent is to develop a transit train. If it does not work then they will look into turning it into a trail system.

Rodney and Joanne Dicob, 7714 State Rte. 812, New Bremen, feel that the landowner will lose all rights to their property if the county purchases the railroad. Mrs. Dicob submitted photos of the trestle bridge and of rail beds that are deteriorating. She also feels that if the railroad does not run it will be turned into a trail system which will disrupt the farms, animals, and privacy rights to the landowner.

The Lewis County Legislator's will hold a public hearing on March 22, 2012 to get the public's opinion and discuss further the "Rails to Trails" program.

AIS

Supervisor Keys invited the County Legislator's to attend our next meeting pertaining to the AIS to explain their position. County Attorney Graham stated he recommends that the County Legislator's not attend any meetings unless Mr. Lyndaker drops the lawsuit against the County.

COUNCIL MEMBER REPORTS

Councilman M. Bush spoke with Dale Moser and Wayne Birchenough about serving on the Zoning Board of Appeals. After discussion the following resolution was presented.

**RESOLUTION NO. 46 OF 2012
ZONING BOARD OF APPEALS APPOINTMENTS**

On a motion of Councilman R. Bush, seconded by Councilman M. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved that Dale Moser, Wayne Birchenough and Mark Lehman are hereby appointed to fill the vacancies on the Zoning Board of Appeals. Terms of Office as follows to reflect a 3 yr. term with exception to the two terms to fill the vacancy.

Mark Lehman – March 12, 2012 to December 31, 2014
Dale Moser – March 12, 2012 to December 31, 2013
Wayne Birchenough – March 12, 2012 to December 31, 2012

Councilwoman Sauer reported she finished the job descriptions. Copies will be submitted to each Board Member and filed in the Clerk's office.

WEBSITE

Councilwoman Sauer brought up a newspaper article regarding the Open Meetings Law section 103 (e) requiring government agencies that maintain an updated website shall post items to be discussed during an open meeting prior to the meetings. It was suggested that Supervisor Keys prepare the meeting agenda at least three days in advanced of the scheduled meeting to allow Clerk Jones adequate time to post to the town's website.

**RESOLUTION NO. 47 OF 2012
TOWN CLERK'S MONTHLY REPORT**

On a motion of Councilman M. Bush, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved the Town Clerk's monthly report is approved as submitted.

HIGHWAY SUPERINTENDENT

Mr. Hall submitted three (3) quotes for a new loader. The Board reviewed and discussed the proposals. After discussion the following resolution was presented with Supervisor Keys and Councilwoman Sauer's Ayes with reservations.

(Regular Meeting of March 12, 2012 cont'd.)

**RESOLUTION NO. 48 OF 2012
PURCHASE OF NEW 2012 CAT 938K WHEEL LOADER**

On a motion of Councilman Becker, seconded by Councilman M. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved that Ralph H. Hall, Highway Superintendent of the Town of New Bremen is authorized to purchase 1 – New 2012 CAT 938K Wheel Loader Group #40603/Award #22063/Contract #PC65318 at the price of \$131,915.00 as per New York State Contract from Milton CAT.

**RESOLUTION NO. 49 OF 2012
BANK RUN GRAVEL BIDS**

On a motion of Councilman R. Bush, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved that the Clerk presented Proof of Advertising to bid for bank run gravel in the Journal & Republican. The following bids were received:

Jason Moser	-	1.00 per yard
Jill Bush	-	1.00 per yard
Brad Lyndaker	-	1.00 per yard
Thomas Schneider	-	1.10 per yard

Be It Further Resolved that all bids for bank run gravel be accepted with the exception to Thomas Schneider's – which will be accepted conditionally at \$1.00 per yard; and that the Highway Superintendent is authorized to draw from the closest available pit as needed.

**RESOLUTION NO. 50 OF 2012
JUSTICES MONTHLY REPORTS**

On a motion of Councilman M. Bush, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 51 OF 2012
SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilman Becker, seconded by Councilman M. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

Resolved the Supervisor's monthly report is approved as submitted.

**RESOLUTION NO. 52 OF 2012
AUDIT OF CLAIMS**

On a motion of Councilman M. Bush, seconded by Councilman R. Bush, the following resolution was
ADOPTED Ayes 5 Becker, M. Bush, R. Bush, Sauer, Keys Nays 0

